

REMARKS

Applicants acknowledge Examiner Tung's time and courtesy during the personal interview of 25 February 2005. No exhibit was shown or demonstration conducted, claims 1 and 20 were discussed, U.S. Patent Nos. 6,340,747 (Bazin), 5,457,185 (Lehn I), and 5,534,622 (Lehn II) were discussed, and no amendments were proposed. A summary of the interview is included below.

Double Patenting

Claims 1 - 17 and 19 - 40 stand rejected under the judicially created doctrine of obviousness-type double patenting as allegedly being unpatentable over claims 1 - 17 of Bazin. Applicants respectfully traverse these rejections.

The claims of Bazin fail to define a process comprising covalently bonding a biological molecule with a labeling agent, which is a fluorescent conjugate comprising an oligonucleotide covalently bonded to a rare-earth metal cryptate (relevant to claim 1), or a conjugate comprising a rare-earth cryptate, an oligonucleotide, and a biological molecule being linked by covalent bonds (relevant to claim 20). Rather Bazin recites in its claims a nucleoside or a nucleotide bonded to at least one fluorescent marker consisting of a rare earth cryptate. Consequently, the claims of Bazin cannot render obvious the claimed invention, and thus, these rejections should be withdrawn.

Claim Rejections Under 35 U.S.C §102

Claims 1 - 6, 8 - 17, 19, 20 - 26 and 28 - 40 stand rejected as allegedly being anticipated by Lehn I or Lehn II. Because Lehn II is a divisional application of Lehn I, Applicants will hereinafter refer to these patents collectively as "Lehn". Applicants respectfully traverse these rejections.

Lehn fails to teach a process comprising covalently bonding a biological molecule to a labeling agent e.g., of claim 1, or a conjugate comprising a biological molecule linked by a covalent bond as required by the claims. Particularly, Lehn fails to teach an oligonucleotide covalently bonded to a cryptate, acting as a labeling agent, where the labeling agent is covalently bonded to a biological molecule (relevant to claim 1). Particularly, this oligo-cryptate-biological molecule can be used as a signaling molecule (relevant to, e.g., claims 1 and 20). Lehn provides no such teaching. Failing to teach these features, Lehn cannot anticipate the claimed invention. Consequently, Applicants respectfully submit that these rejections should be withdrawn.

Failing to teach these features, Lehn cannot anticipate the claimed invention. Consequently, Applicants respectfully submit that these rejections should be withdrawn.

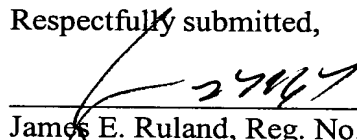
Significant and Unexpected Results

Supererogatorily, the present invention can provide significant and unexpected results. As an example, fluorescent compounds obtained by the process of the invention exhibit reduced fluorescent quenching when uric acid is added to the measuring medium. See, e.g., Table 2 at page 22 of the present specification. As depicted in Table 2, when 80 mg/l of uric acid is present, 97% of the signal of the cryptate-streptavidin is quenched (relevant to Lehn), whereas for the same concentration of uric acid, the signal of the streptavidin-oligonucleotide-cryptate conjugate is only 32% quenched (relevant to the claimed invention). These results are significant and unexpected in view of Lehn. Consequently, this further establishes the patentability of the claimed invention.

In view of the above remarks, favorable reconsideration is courteously requested. If there are any remaining issues which can be expedited by a telephone conference, the Examiner is courteously invited to telephone counsel at the number indicated below.

The Commissioner is hereby authorized to charge any fees associated with this response or credit any overpayment to Deposit Account No. 13-3402.

Respectfully submitted,


James E. Ruland, Reg. No. 37,432
Attorney/Agent for Applicant(s)

MILLEN, WHITE, ZELANO
& BRANIGAN, P.C.
Arlington Courthouse Plaza 1, Suite 1400
2200 Clarendon Boulevard
Arlington, Virginia 22201
Telephone: (703) 243-6333
Facsimile: (703) 243-6410

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